19-11-20

19

Department of

OFFICE

STATION

No. 389

Dated 4.4.21

Date

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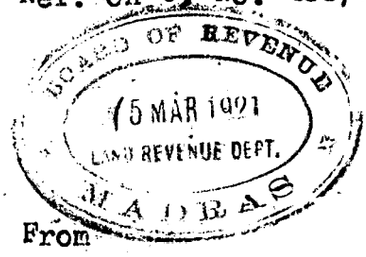
(SUBJECT.)

* Not to be filled in the case of permanent records.

A 1325

Ref. on C. No. 488/Rev. 20.



South Kanara Collector's Office,
Mangalore, dated 9th March 1921.

From

R. H. Ellis
Collector of South Kanara

To

The Secretary to the Board,
Land Revenue, Madras

Village site--Alienation of house site---ejection-purchaser---suit.

P40(H)
20
(H)
BP-58
18.1.21

In continuation of my letter of 21st December 192 I send herewith for the Board's approval the plaint in th 3rd case referred to in my letter of 12th December 1920 reply to Board's reference No. B. 4263--20--1 dated 2nd December 1920. Though the plot in this case was handed to a person other than the auction purchaser, the Distric Munsiff states that this handing over was on the purchaser' behalf. The plaint was prepared by the vakil usually --- employed on behalf of Government and has been approved by the Government Pleader, Mangal

A 1325/21 ——————— 9

Suits (S. Kanara) Udipi Dt. Munsiff - Pattas, Assignment of Possessions. Breach of Condition. Suit to Surrender.

Ref A 1325-21-1 & 7.

The Board observes that the third plaint now submitted by the Coll is identical with the first plaint submitted with the Coll's letter. Reference No 488 Rev of 20 dt 21.12.20. pp 4 (H)
The parties are the same and the subject matter of the suit are the same. The Coll is requested to submit the correct plaint

ws
17.

D 1440/1325 3

Ref. C. No. 488/Rev. 20.

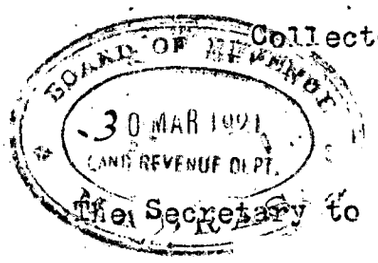
South Kanara Collector's Office,

Mangalore, dated 22nd March 1921.

From

R. H. Ellis, Esq., I.C.S.,

Collector of South



To

The Secretary to the Board.

A 1325/21

Board's reference No A 1325/21--1 dated 17th March 1921.

Suits-- (South-Kanara) Udipi District Munsiff--Puttur--Assignment of house-sites--Breach of condition--Failure to surrender.

The plaint returned by the Board with the above reference is the correct one. The mistake must have been made in submitting the two plaints referred to in my letter dated 21st December 1920. Copies of these plaints are also submitted herewith for the Board's information.

Kaf

Suits (S. Kanara) – Writ of Summons – Mundandambur Village – Assignment of house sites – Breach of Condition – Failure to Surrender – Institution sanctioned

Ref A 1325/21 – I & 17.3.21 – Q
A 1440/21 – Q

Res (Mis) 38 4.4.21

The Board sanctions the institution of the suit and approves the draft plaint

2. The Collr of S. Kanara.

Note

The draft plaint in the 3rd case for which approval is accorded is at pp 11-13 c. It is prepared on the same lines as the plaints in the remaining 2 cases which were approved by the Board

31.3.21

In the Court of the District Munsiff of Udipi. 4

Original Suit No.-------/1921.

Between

The Secretary of State for India in
Council represented by the Collector
of South Kanara ... Plaintiff.

and

1. Kadiali Srinivasa Rao.
2. Manjunatha Proabhu ... Defendants.

Plaint under section 26, Order VII, Rule 1 of C.P.C.

The Plaintiff abovenamed begs to state as follows:-

That the Secretary of State for India in Q
Q
Counci represented by the Collector of Q
South Kanara is the Plaintiff. Q Plaintiff

The above is the address of Plaintiff for service of processes.

II That the 1st Defendant Kadiali Srinivasa Rao son of U. Manjaya Shanbhogue clerk of Mr.K. Shankernaraina Rao. Vakil, District Munsiff's Court, Udipi, and the 2nd Defendant is Manjunatha Prabhu is son of Subraya Prabhu and resides at (No.68) Puttur village, Udipi Taluk. ... Defendants.

Court. All kinds of alienations were prohibited by the terms of the patta, there being a distinct provision therein that the property must not be alienated in any manner.

3. That, however, the plaint property was sold in R. E. P. No.414/1919 (O.S.No.92 of 1919) for 2nd Defendants' debts, contrary to the terms and provisions of the patta aforesaid and was purchased by the 1st Defendant who is now in possession and wrongful and unlawful enjoyment of the same.

4. That accordingly, the 2nd Defendant has forfeited his right and title to the plaint plot and the Plaintiff is entitled to re-enter upon and recover possession of the plaint land under the terms of the patta in question and in law and justice and equity. There is a provision in the patta for re-entry by Government in case of alienation against the terms of the patta.

5. That the 1st Defendant was fully aware of the terms and conditions of the grant in favour of the 2nd Defendant --- and cannot plead any bona fides in purchasing the suit land - in Court auction.

6. Defendants were called upon by the Plaintiff by the --- postal registered notice of 15th July 1920 to surrender the --- plaint land to Plaintiff within 15 days from the date of the -- receipt of the abovesaid notice with mesne profits from 12th -- September 1919 until delivery at the annual rate of Rs.11-7-1.

7. Defendants have failed to comply with Plaintiff's --- demands contained in Plaintiff's notice. Neither of the ---- Defendants has any right to the suit property. They are liabl to surrender the same to Government with the mesne profits ---- claimed.

8. Hence Plaintiff is constrained and entitled to file -- this suit against both the Defendants for the following ------ necessary reliefs

9. That the cause of action for this suit arose in the -- year 1919 and subsequently at Puttur village within the ---- jurisdiction of this Court.

IV That the total value of reliefs claimed in this suit is Rupees for purposes of court-fees and jurisdiction.

V Plaintiff, in conclusion, prays for a judgment and -- decree in his favour granting him the following reliefs.

(a) Directing Defendants to surrender the plaint plot with the buildings thereon to Plaintiff with mesne profits at the plaint rate from the date of -- plaint till date of delivery. This relief is valued at Rs.102-8-0 i.e. Rs.2-8-0, 5 times the assessment --- (0-8-0) on land plus Rs.100 being the estimated value of the buildings.

(b) Directing Defendants to pay Plaintiff Rs. for mesne-profits at the - plaint rate from 12. 9. 19 till date of plaint.

(c) Directing Defendants to pay Plaintiff the full costs of this suit

(d) Granting Plaintiff such other and further reliefs as under the circumstances, the Court thinks the - Plaintiff is entitled to get from the Defendants. This relief need not be paid for.

Description

Description of the plaint property.

Registration. S. D.	Taluk.	Village.	S. No.	S. D. No.	Kisam	Extent. A. C.	Assessment. Rs. A.
South Kanara Udipi	Udipi	Puttur	204	1	Dry	50	0 8

S. CANARA COLLECTORATE
N.A.
20-MAR
Date

D'Meambrai
12—3-21
for Collector.

Cer
11-3-21.

In the Court of the District Munsiff of Udipi.

Original Suit No. /1920.

Between

The Secretary of State for India in Council, represented by the -- Collector of South Kanara ... Plaintiff.

and

1. Tejappa Hegde.

2. Kisthu alias Mathias Rego. ... ... Defendants.

Plaint under section 26 Order VII Rule 1 of C. P. C.

The Plaintiff abovenamed begs to state as follows:-

I That the Secretary of State for India in Council represented by the Collector of South Kanara is the Plaintiff. Pltff.

The above is the address of Plaintiff for service of processes.

II That the first Defendant Tejappa Hegade is the son of Kukkehalli Muthaya Hegade and resides at Tonse East village, Udipi Taluk and the 2nd Defendant is Kistu alias Mathias Rego son of Juao Mathias Rego and resides at (No.68) Puttur village, Udipi Taluk. Defendants.

III Subject matter of the suit:

1. That immoveable properties S. Nos. 206/2 and 115/1 of Puttur village, Udipi Taluk were assigned by the Government to the 2nd Defendant under the special house-site rules --- and were in his possessio

2. That under the provisions and spirit and intention --- of the grant or patta issued to the 2nd Defendant on 1-6-1916, he was strictly prohibited from alienating the lands in any -- manner or allowing them to be sold through Court. All kinds of alienations were prohibited by the terms of the patta, there being a distinct provision therein that the property must not

be alienated in any manner.

3. That however, the plaint properties were sold in R.E.P. - No.1254/1919 (S.C.S. 358/17) on the file of this Court for ----- 2nd Defendants' debts, contrary to the terms and provisions ----- of the patta aforesaid and were purchased by the 1st Defendant - who is now in wrongful and unlawful possession and enjoyment --- of the same.

4. That, accordingly, the 2nd Defendant has forfeited his -- right and title to the plaint plots and Plaintiff is entitled to - re-enter upon and recover possession of the plaint lands under the terms of the patta in question and in law, justice and equity. There is a provision in the patta for re-entry by Government in -- case of alienation against the terms of the patta.

5. Defendants were called upon by the Plaintiff by the postal registered notice of 13. 7. 1920 to surrender the plaint lands to -- Plaintiff within 15 days from the date of the receipt of the above-said notice with mesne profits from 9th March 1920 until delivery at the annual rate of Rs.20-8-2.

6. Defendants have failed to comply with Plaintiff's demands -- contained in Plaintiff's notice. Neither of the defendants has any any right to the suit properties. They are liable to surrender the same to Government with mesne profits claimed.

7. Hence Plaintiff is constrained and entitled to file this -- suit against both the Defendants for the following necessary reliefs

8. That the cause of action for this suit arose in the year -- 1920 and subsequently at Puttur village within the jurisdiction of this Court.

IV. That the total value of the reliefs claimed in the suit is Rs.222-7-1 for purposes of Court fees and jurisdiction.

V. Plaintiff in conclusion prays for a judgment and decree in -

In the Court of the District Munsiff of Udipi.

Original Suit No. -------/1920

Between the Secretary of State for India in Council represented by the Collector of South Kanara ...

and

1. The Hon'ble Khan Bahadur Haji Abdulla Haji Kassim Sahib Bahadur ... ...

2. Prasanna Salins.

Plaint under section 26 Order VII Rule 1 of C. P. C.

The Plaintiff abovenamed begs to state as follows:--

I. That the Secretary of State for India in Council represented by the Collector of South Kanara is the Plaintiff. Pltff.

The above is the address of Plaintiff for service of Processes.

IIThat the 1st Defendant The Hon'ble Khan Bahadur Haji Abdulla Haji Kassim Sahib Bahadur, Udipi and the 2nd Defendant is Prasanna Salins and resides at Mudanidambur village, Nidamboor magne, Udipi Talu Defts.

III Subject matter of the suit.

1. That the immoveable property S. No. 137/22 of - Mudanidambur village, Udipi Taluk, was assigned by the Government to the 2nd Defendant under the special house site rules and was in his possessior

2. That under the provisions and spirit and intention --- of the grant or patta issued to the 2nd Defendant on 4. 12.1914 he was strictly prohibited from alienating the land in any manner or allowing it to be sold through Court. All kinds of

alienations were prohibited by the terms of the patta, there - being a distinct provision in the patta that the property -- must not be alienated in any manner

3. That, however, the plaint property was sold in ---- R.E.P.No.984/1917 (O.S.370/16) on the file of the Court for - 2nd Defendant's debts contrary to the terms and provisions --- of the patta aforesaid and was purchased by Dawood Suleman Shet from whom the 1st Defendant purchased the same, the 1st Defendant is now in wrongful and unlawful possession and enjoyment of the same.

4. That, accordingly, the 2nd Defendant has forfeited his ~~~ right and title to the plaint plot and the Plaintiff is entitled to re-enter upon and recover possession of the plaint land under the terms of the patta in question and in law, justice and ---- equity. There is a provision in the patta for re-entry by Govern -ment in case of alienation against the terms of the patta.

5. Defendants were called upon by the Plaintiff by the ---- postal registered notice of 15.7.1920 to surrender the Plaint land to Plaintiff within 15 days from the date of the receipt of the --- abovesaid notice with mesne profits from 24.7.1919 until delivery - at the annual rate of Rs.6-3-7.

6. Defendants have failed to comply with Plaintiff's demands contained in Plaintiff's notice. Neither of the Defendants has any right to the suit property. They are liable to surrender the same to Government.with mesne profits claimed.

7. Hence Pltff. is constrained and entitled to file this --- suit against both the Defendants for the following necessary ---- reliefs.

8. That the cause of action for the suit arose on 24.7.1919 an subsequently at Mudanidambur village within the jurisdiction of thi Court.

IV. That the total value of the reliefs claimed in this suit is Rs.22-7-1 for purposes of Court fees and jurisdiction.

V. Plaintiff in conclusion prays for a judgment --- and decree in his favour granting him the following reliefs.

(a) Directing Defendants to surrender the plot together with the buildings thereon to Plaintiff . This relief is -- valued at Rs. 12-8-0 being the value of 5 times the assessment -- on the suit land, the assessment being Rs.2-8-0 ... Rs.12 8 0

(b) Directing Defendants to pay Pltff. -- Rs.9-15-1 for mesne profits at the plaint -- rate from 24.7.19 till date of Plaint 28.2.21. ... " 9 15 1

(c) Directing Defendants to pay to Plaintiff future mesne profits at the said rate -- from this date till date of delivery.

(d) Directing Defendants to pay Pltff. the full costs of this suit.

(e) Granting Pltff. such other and further --- reliefs as under the circumstances the Court thinks the Pltff. is entitled to get from the Defendants.

" 22 7 1

Description of the plaint property:--

on.	S. D.	Taluk.	Village.	S. No.	S.D. No.	Kisam.	Extent.	Assessment.
ara	Udipi	Udipi	Mudanidambur	137	22	Dry	A.0-20 cents.	Rs.2-8-0

O M Kambra
24 3 21
For Collector.

Cl
23-3-21